IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 653 of 1998
WITH
CRIMINAL REVISION APPLICATION No. 514 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Applicant(s)
Versus
PATEL RAMESHBHAI KHEMCHADDAS - Respondent(s)

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Appearance :
MR.SS PATEL APP for Applicant(s) : 1,
RULE SERVED for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 16/01/2007

ORAL JUDGMENT

1. Both these Revision Applications are preferred by the State to challenge that part of the impugned orders by which the State Government

is directed to recover the amount paid to the original complainants as compensation for being victim of offences under the provisions of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities Act, 1989). In both the cases, the amount is ordered to be recovered from the original complainants in view of acquittal of the accused person, which was the result of the alleged offences being not proved.

2. Learned A.P.P. Mr.S.S. Patel vehemently argued that neither the Court had jurisdiction to make such order and issue such direction against the State Government nor did the provisions of the scheme under which the victims were paid compensation provide for recovery of the amount in case of acquittal of the accused person.

3. No one appears for the respondent. In absence of any opposition and in view of absence of any provision for recovery of the payments made under different Rules to the victims of alleged

offences under the aforesaid Act, the petitions are required to be allowed and accordingly they are allowed with the direction that the aforesaid part of the impugned order dated 11.05.1998 and 25.05.1998 in Special Atrocity Case Nos.136 of 1997 and 138 of 1997 of learned Special Judge, Mehsana shall stand modified to the extent that the direction to recover the amount from the complainants shall stand quashed. Rule is made absolute accordingly with no order as to costs.

(D.H.WAGHELA, J.)

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